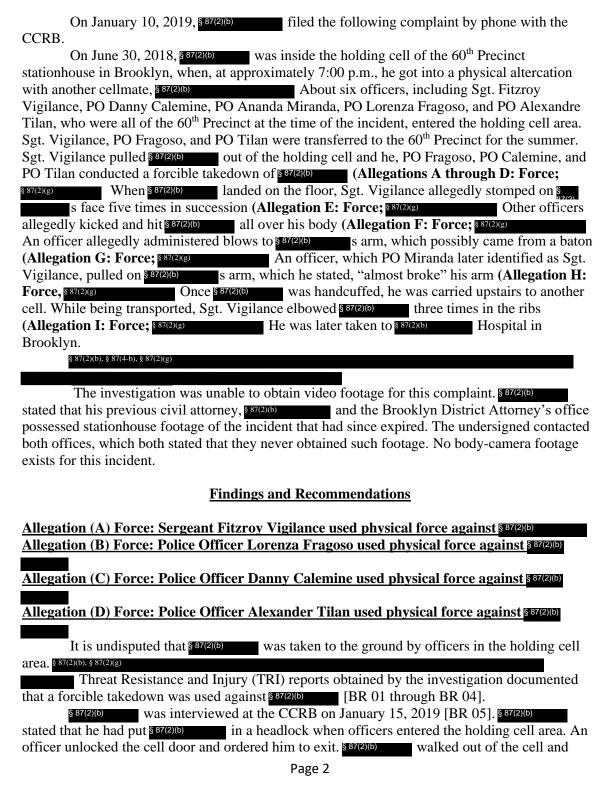
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Ø	Force		Discourt.	☐ U.S.
Genevieve Lamont		Squad #8	201900273		Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:	-	P	recinct:	18	Mo. SOL	EO SOL
Saturday, 06/30/2018 7:00 PM		60th Precinct stationho	use		60	12	/30/2019	12/30/2019
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Time	Rece	ived at CCF	RB
Thu, 01/10/2019 11:42 AM		CCRB	Phone		Thu, 01/10	/2019	11:42 AM	I
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Officer			060 PCT					
2. SGT Fitzroy Vigilance	04583	918667	060 PCT					
3. POM Danny Calemine	06888	956477	060 PCT					
4. POF Lorenza Fragoso	13504	961767	060 PCT					
5. POM Alexandre Tilan	16422	961370	060 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POF Ananda Mirandamessner	06066	958938	060 PCT					
Officer(s)	Allegation	on			Inve	stiga	tor Recon	nmendation
A.SGT Fitzroy Vigilance	Force: Se § 87(2)(b)	ergeant Fitzroy Vigilanc	e used physical forc	e aga	ainst			
B.POF Lorenza Fragoso	Force: Police Officer Lorenza Fragoso used physical force against § 87(2)(b)							
C.POM Danny Calemine	Force: Police Officer Danny Calemine used physical force against § 87(2)(b)							
D.POM Alexandre Tilan	Force: Poagainst §	olice Officer Alexander '87(2)(b)	Tilan used physical	force	e			
E.SGT Fitzroy Vigilance	Force: Se \$ 87(2)(b)	ergeant Fitzroy Vigilanc	e used physical forc	e aga	ainst			
F.POM Officer	Force: O	fficers used physical for	ce against § 87(2)(b)					
G.POM Officer	Force: A instrume	n officer struck § 87(2)(b) nt.	with a blunt					
H.SGT Fitzroy Vigilance	Force: Se § 87(2)(b)	ergeant Fitzroy Vigilanc	e used physical forc	e aga	ainst			

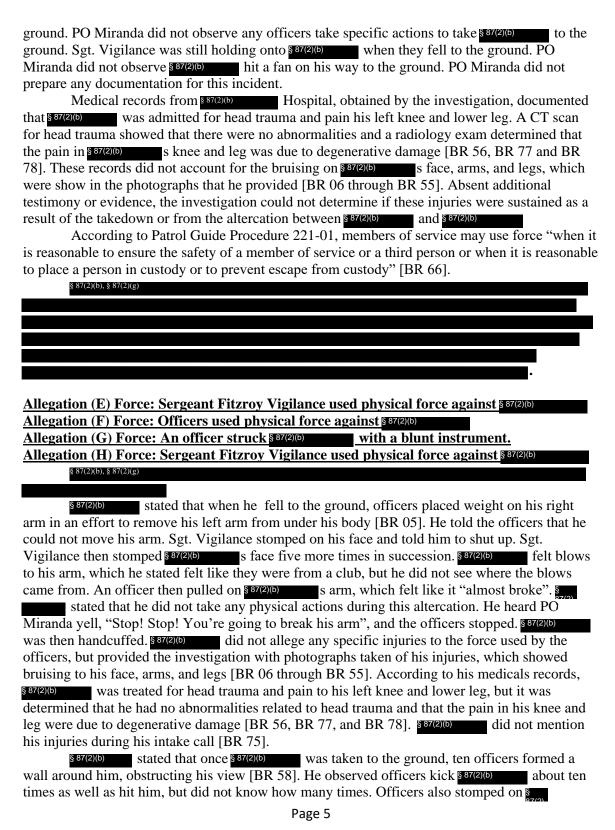
Officer(s)	Allegation	Investigator Recommendation
I.SGT Fitzroy Vigilance	Force: Sergeant Fitzroy Vigilance used physical force ag	ainst
§ 87(4-b), § 87(2)(g)		

Case Summary



began to raise his hands above his head. He was only able to raise them to shoulder height when
six officers grabbed his arms and brought him to the ground. As he was being brought down, his
head fell sideways into a production fan. He landed on his side, with his left arm pinned under his
body and his knee bent at an angle. \$87(2)(b) did not attribute any specific injuries to the
forcible takedown. According to his medical records, \$87(2)(b) was treated for head trauma,
but no abnormalities were found [BR 56, BR 77 and BR 78]. §87(2)(b) provided photographs
of his sustained injuries, which showed bruising to his head, arms, and legs [BR 06 through BR
55]. § 87(2)(b) statement during his initial intake call did not specify what physical force the
officers used [BR 75].
s friend with whom he was arrested. was interviewed at the
CCRB on January 24, 2019 [BR 58]. He stated that \$87(2)(b) and \$87(2)(b) were in a "bear
hug" when officers entered the holding cell. Sgt. Vigilance, whom \$87(2)(5) recognized as the
desk officer, ordered the two men to separate. Sgt. Vigilance then opened the cell gate, grabbed
on the back of the head with an open palm, grabbed \$87(2)(b) with his other hand,
and pulled him out of the holding cell. \$87(2)(b) and did not remember if \$87(2)(b) and \$1.50.
were in the process of separating before Sgt. Vigilance removed \$87(2)(0) from the
cell. Two other officers grabbed onto §87(2)(b) and they and Sgt. Vigilance threw §87(2)(b)
into a fan. § 87(2)(b) and see which part of § 87(2)(b) s body hit the fan. The officers then
threw \$87(2)(b) against the left wall of the holding cell area, where he hit a desk and the wall
with the left side of his body. These officers then took \$87(2)(b) to the ground, where he landed
on his back, stomach facing upwards.
\$ 87(2)(b), \$ 87(2)(g)
In his phone statement, he stated that \$87(2)(b) pushed \$87(2)(b) against the
bars of the cell and put him in a headlock. When officers entered the holding cell, they ordered
to release \$87(2)(b) who did so, but not immediately. Officers punched \$800(2)(b)
in his stomach and ribcage, and swiped his feet to take him to the ground.
The investigation obtained the Command Log from the 60 th Precinct on June 30, 2018,
and identified \$87(2)(b) and \$87(2)(b) and \$87(2)(b)
as individuals who were in the holding cell during the incident [BR 76]. Contact
attempts were made to these individuals, as well as to §87(2)(b) but they were unsuccessful
[BR 59; see detailed IA 236].
Sgt. Vigilance was interviewed at the CCRB on February 21, 2019 [BR 60]. When he
entered the cell, § 87(2)(b) had § 87(2)(b) in a headlock. He did not observe any injuries on
at this time. He ordered \$87(2)(b) to release \$87(2)(b) but \$87(2)(b) did not
comply. Sgt. Vigilance repeated this command several times. He then attempted to remove
s arm from \$87(2)(b) but \$87(2)(b) did not release \$87(2)(b) when he did this.
Other officers attempted to remove \$87(2)(b) s arm from \$87(2)(b) After several seconds,
released \$87(2)(b) Sgt. Vigilance then pulled \$87(2)(b) out of the holding cell
with the assistance of other officers, but he did not know who. After he was removed, \$87(2)(b)
tensed up and refused Sgt. Vigilance's orders to put his hands behind his back. Sgt. Vigilance,
along with four or five other officers, then took §87(2)(b) to the ground. He did not remember
where he was positioned or where he was holding \$87(2)(b) during the takedown. \$87(2)(b)
did not make contact with a fan when he was taken down. Sgt. Vigilance's statement was
consistent with his TRI report, as he noted that a forcible takedown occurred [BR 04].
PO Fragoso was interviewed at the CCRB on February 25, 2019 [BR 61]. She first
observed \$87(2)(b) and \$87(2)(b) punching each other on the cameras located above the
Page 3

stationhouse desk, which showed the holding cell. She did not recall what actions §87(2)(6)
and \$87(2)(6) were taking when she entered the holding cell area. She did not observe any
injuries on §87(2)(b) Once she opened the cell door, PO Fragoso and approximately eight
other officers reached into the cell to separate the two males. She did not recall what part of
s body she grabbed. It took a few seconds to separate \$87(2)(b) and \$87(2)(b) and
to bring \$87(2)(b) out of the cell. Once he was removed from the cell, \$87(2)(b) continued to
lunge back at \$87(2)(6) He resisted being handcuffed by the officers, and moved his hands to
the front of his body. PO Fragoso stated that these actions made \$87(2)(b) at threat to the
individuals in the cell and the officers. PO Fragoso, along with three or four other officers, took
to the ground. The officers did not communicate with each other prior to taking § 37(2)(6)
to the ground. §87(2)(b) did not hit a fan or any other surface on his way to the ground.
PO Fragoso's statement was consistent with her TRI report, as she noted that she participated in a
forcible takedown of \$87(2)(b) [BR 02].
PO Calemine was interviewed at the CCRB on March 7, 2019 [BR 62]. When he entered
the holding cell, PO Calemine observed \$87(2)(b) and \$87(2)(b) in an aggressive fistfight.
He stated that Sgt. Vigilance removed \$87(2)(6) from the cell, but did not recall how he did
this. § 87(2)(b) ignored the officers' commands and continued to swing his fists towards § 7(2)(b)
PO Calemine stated that these actions made \$87(2)(b) a threat to \$87(2)(b) and
the officers, and that \$87(2)(b) was immediately taken to the ground as a result. He did not
remember if the takedown was communicated between the officers. He did not remember if he
participated in the takedown. He did not observe \$87(2)(b) hit a fan on his way to the ground.
PO Calemine did not observe any injuries on \$87(2)(b) prior to the incident. PO Calemine
prepared a TRI report regarding this incident, which noted that he participated in the takedown
[BR 01]. He stated that a TRI report must be prepared for any type of interaction in the holding
cell. PO Calemine also prepared an AIDED report for \$87(2)(b) noting that he was injured and
was removed to \$87(2)(b) Hospital [BR 63]. The AIDED report did not provide details as to
what kind of injuries sustained nor did it detail how he sustained these injuries.
On March 12, 2019, PO Tilan was interviewed at the CCRB [BR 64]. When PO Tilan
entered the holding cell area, he observed \$87(2)(b) and holding each other by
their t-shirts and pushing each other back and forth. He recalled that §87(2)(b) was bleeding,
but he did not remember from where. Once the cell door was open, Sgt. Vigilance grabbed
by the shirt and pulled him out the cell without resistance. PO Tilan then grabbed
s left hand to handcuff him, but he resisted giving his right hand to the officers. Other
officers were holding onto \$87(2)(b) but PO Tilan did not know how many or which officers.
He stated that the momentum of the officers caused himself, \$87(2)(b) and the officers to fall
to the ground. He stated that \$87(2)(b) did not have enough time to take any physical actions
from when he was removed from the cell to when they fell to the ground. He did not recall if
hit a fan when he fell to the ground. Despite stating that the takedown was a result of the
momentum, PO Tilan prepared a TRI report which stated that he participated in a forcible
takedown [BR 03]. He stated that this was due to Sgt. Vigilance pulling [887(2)(b)] out of the
cell, which caused him to fall down, constituting a forcible takedown.
On March 8, 2019, PO Miranda was interviewed at the CCRB [BR 65]. When PO
Miranda entered the holding cell, she observed \$87(2)(b) holding \$87(2)(b) in a headlock.
Sgt. Vigilance separated § 87(2)(b) from § 87(2)(b) and removed him from the holding cell.
PO Miranda did not remember if other officers were holding onto \$87(2)(b) but stated that he
did not resist being removed from the cell. When he was removed, \$87(2)(b) fell to the
Page //



s head, by his temple and ear \$ 87(2)(b) s right leg. Sgt. Vigilance placed his knee on \$ 87(2)(b) then observed a Hispanic officer holding a metal rod, which he elevated above his head and brought down on § 87(2)(b) s left side. He was unable to provide any additional description of this officer. PO Miranda then entered the holding cell and told the officers "that's enough". PO Miranda then left the holding cell, and the officers continued to administer kicks After about five to ten minutes, § 87(2)(b) was carried out of the holding cell area, as he was unable to walk due to the force used on his leg. § 87(2)(b) consistent with his phone statement [BR 57]. Sgt. Vigilance stated that, after the takedown, §87(2)(b) tensed up and refused to give the officers his hands [BR 60]. It took multiple officers pulling on \$87(2)(b) s arms to handcuff him, and they communicated with each other to do so, but Sgt. Vigilance could not remember specific statements. He did not handcuff \$87(2)(b) He did not recall officers lifting up by his right arm. Sgt. Vigilance did not stomp on \$87(2)(b) s head. He did not observe any officer do this. He did not strike [887(2)(b)] with a blunt instrument and he did not observe anyone doing that. Sgt. Vigilance did not use any physical force against [8] 87(2)(b) aside from the takedown. He did not observe any officer use any physical force except for the takedown. Sgt. Vigilance did not recall preparing a TRI report for this incident, despite being shown a copy of his handwritten report, which he verified was in his handwriting [BR 04]. Sgt. Vigilance did not recall \$87(2)(b) complaining of any injuries or substantial pain. PO Fragoso left the holding cell after the takedown was completed, as she felt that the situation was contained [BR 61]. She could not recall what actions the officers were taking when was on the ground. She did not observe an officer pulling on §87(2)(b) lifting him up. She did not hit or kick § 37(2)(b) She did not observe any officer do this. She with a blunt instrument and did not observe any other officer do this. did not strike § 87(2)(b) She did not stomp on \$87(2)(b) s face and did not see any officer do this. PO Fragoso prepared a TRI report after she left the holding cell [BR 02]. She filled out this report based upon her own observations during the incident. She did not recall \$87(2)(6) complaining of any injuries or substantial pain. According to PO Calemine's interview, when § 87(2)(b) was taken to the ground, PO Calemine grabbed his legs to prevent him from kicking while officers attempted to restrain him [BR 62]. He stated that § 87(2)(b) was not kicking at the time. He stated that § 87(2)(b) resisted being handcuffed, but did not see how the officers handcuffed him, as he was down by s legs. PO Calemine did not hit \$87(2)(b) with an instrument and did not see another officer do this. He did not stomp on \$87(2)(b) s face and did not observe any officer do this. PO Calemine did not use any other force against [807(2)(5)] Aside from the takedown, he did not observe any officer use any other force against \$87(2)(b) He observed bruising and swelling on \$87(2)(b) s face after he was handcuffed. PO Calemine prepared an AIDED report and a TRI report for [BR 63 and BR 01, respectively]. After he was shown the TRI report, PO Calemine recalled § 87(2)(b) complaining of substantial pain. PO Tilan stated that he had \$87(2)(b) solutions is left hand handcuffed and was waiting for an officer to give him his right hand [BR 64]. He did not see what actions the other officers were taking to get \$87(2)(b) s right hand. He did not see any officer strike \$87(2)(b) with a blunt instrument. He did not observe any officer use any force against § 87(2)(b) as he was focused on getting him handcuffed. He did not see any officer stomp, step on, or kick \$87(2)(b) Tilan did not use any physical force with \$87(2)(5) When PO Tilan left the holding cell with the other officers, there were still officers inside. PO Tilan then prepared a TRI for the incident, Page 6

as Sgt. Vigilance pulling [\$187(2)(6)] out of the cell and causing him to fall down constituted a
forcible takedown [BR 03].
PO Miranda stated that she observed Sgt. Vigilance pulling \$87(2)(b) s arm behind his head in an attempt to remove it out from under his body [BR 65]. Other officers were telling
to give them his hand, to which he responded that he could not. PO Miranda stated that
was not resisting. She told Sgt. Vigilance, "You have to lift him up, he can't move his arm." Sgt. Vigilance then told PO Miranda to leave, which she did. She did not recall telling
the officers that they were going to break his arm, but stated she was concerned that Sgt.
Vigilance was going to break his arm from how he was pulling on it. She did not observe any
officer strike \$87(2)(b) with an instrument before she left the holding cell. She did not observe
any officer stomp on his face. Aside from falling to the ground, PO Miranda did not observe an
officer use any physical force against \$87(2)(0)
s medical records, obtained by the investigation, did not conclude if any
additional force, aside from the takedown, was used during the incident. § 87(2)(6) underwent a
CT scan for head trauma, which showed no abnormalities. He was also treated for pain in his
knee, which a radiology exam concluded was from degenerative damage, and was not the result
of a fracture or subluxation [BR 56, BR 77 and BR 78]. §87(2)(b) provided the investigation
with photographs of his sustained injuries, which showed bruising on his face, arms, and legs [BR
06 through BR 55]. One photograph showed several thin bruise lines on [887(2)(5)] arm, which
are consistent with bruises that would be sustained from an asp strike or being struck with a thin
instrument [BR 67].
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
Allegation (H): Sergeant Fitzroy Vigilance used physical force against § 87(2)(b)
It remains in dispute as to whether Sgt. Vigilance elbowed \$87(2)(b) while he was
transported upstairs to another cell.
stated that after he was handcuffed, four officers, including Sgt. Vigilance,
carried him upstairs to another cell [BR 05]. While being carried, Sgt. Vigilance elbowed him in
the ribs three times. He was placed in a cell upstairs until a couple hours later, when he was
transported to §87(2)(b) Hospital to be treated for his injuries.

observed served carried out of the holding cell, but was unable to see
where he was taken [BR 58]. He discovered that \$87(2)(6) had been taken to the hospital when
he was in central booking, where he observed \$87(2)(b) on crutches with bruises on his face.
Sgt. Vigilance stated that 887(2)(b) was stood up after he was handcuffed and was
walked upstairs to the holding pen [BR 60]. §87(2)(b) was not carried. Sgt. Vigilance walked
behind the officers who escorted \$87(2)(b) upstairs. He did not elbow \$87(2)(b) in the ribs
while he was transported. He did not observe any officer do so. Neither he nor any other officer
used physical force while transporting § 87(2)(b) upstairs.
PO Fragoso, PO Calemine, and PO Tilan did not observe \$87(2)(b) being removed
from the holding cell. They did not have further contact with \$87(2)(6) [BR 61, BR 62, and BR
64, respectively].
PO Miranda did not observe \$87(2)(b) being removed from the holding cell [BR 65].
She later learned from Sgt. Vigilance that he had been moved upstairs, as he asked her to check
on him. She did not interact with him, as he was bent over with his head down.
\$ 87(2)(b), \$ 87(2)(g)
§ 87(2)(b), § 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint that § 87(2)(b) has been a party to [BR 71].
- Sgt. Vigilance has been a member of service for 21 years and has been subject to 26 complaints and 53 allegations, none of which have been substantiated. Sgt. Vigilance's CCRB history shows that he has 12 previous CCRB cases involving allegations of physical force, none of which were substantiated. Sgt. Vigilance is a subject officer in two current CCRB cases.

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•	 PO Fragoso has been a member of service for two years and has been party to no prio CCRB complaints. 					
•	CCRB complaint and one allegation other CCRB case involved an allegalitigation. PO Tilan has been a member of services and the services are the services and the services are t	f service for four years and has been n. PO Calemine's CCRB history sho ation of physical force, which was cl vice for three years and has been par ions, none of which were substantiat	ws that his only osed as pending ty to two previous			
	Mediation, C	Civil and Criminal Histories				
•	Prior to filing his CCRB complaint, City of New York for five million a [BR 72]. His lawsuit has since been Office of the Comptroller to determ added to the case file upon receipt [dministration (OCA), between Janua of \$87(2)(b)	Jalim against the July 20, 2018 New York City and will be			
	[BR 74].					
Squad	No.:					
Investi	igator:Signature	Print Title & Name	Date			
Squad	Leader:Signature	Print Title & Name	Date			
Review		D: (Titl 0 N				
	Signature	Print Title & Name	Date			